



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
			1526.100B

12/02/0712
JORDAN, K
HARPER AND SCINTO
12/02/0712

JORDAN, K

EXAMINER

ART UNIT	PAPER NUMBER
1205	8

07/12/96

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 1/11/96
4/12/96 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 16-102 are pending in the application.
Of the above, claims 29-52 are withdrawn from consideration.
2. ☒ Claims 1-15 have been cancelled.
3. ☒ Claims 16-28 + 53-102 are allowed.
4. ☐ Claims are rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on . Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on , has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed , has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119: The certified copy has ☐ been received ☐ not been received
☒ been filed in parent application, serial no. 07/389,902; filed on 8/4/89.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit: 1205

Claims 16-102 are presented for examination.

The amendment received on January 11, 1996 has been entered.

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 16-28, drawn to a method for elevating HDL cholesterol by administering a fatty acid composition, classified in Class 514, subclass 560.

II. Claims 29-40, drawn to a method for the treatment of prophylaxis of hypertension by administering a fatty acid composition, classified in Class 514, subclass 560.

III. Claims 41-52, drawn to a method for the treatment or prophylaxis of multiple risk factors for cardiovascular diseases by administering a fatty acid composition, classified in Class 514, subclass 560.

Claims 53-102 are generic and will be examined with the elected invention.

Groups I-III are distinct from one another as each is drawn to a separate medical condition which is recognized in the medical art as being treatable by distinct treatments. Thus, a prior art reference against one method would not necessarily be prior art against the other methods. Finally, the search for one method is separate from the other methods as each condition is searched separately and therefore three searches would be required.

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During a telephone conversation with Ann Maher on April 15, 1996 a provisional election was made with traverse to prosecute the invention of Group I, claims 16-28. Affirmation of this election must be made by applicant in responding to this Office action. Claims 29-52 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. § 119. The certified copy has been filed in parent application, Serial No. 07/389,902, filed on August 4, 1989.

Claims 16-28 and 53-102 are allowed.

The remaining references listed on the enclosed PTO-1449 are cited to show the state of the art.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Jordan whose telephone number is (703) 308-4611. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.



**KIMBERLY JORDAN
PRIMARY EXAMINER
GROUP 1200**

JORDAN:jd
JULY 3, 1996